

# GIVENS PURSLEY<sup>LLP</sup>

Attorneys and Counselors at Law

601 W. Bannock Street  
PO Box 2720  
Boise, ID 83701  
Telephone: 208-388-1200  
Facsimile: 208-388-1300  
[www.givenspursley.com](http://www.givenspursley.com)

Bradley J. Dixon  
[bradleydixon@givenspursley.com](mailto:bradleydixon@givenspursley.com)  
208-388-1261

Gary G. Allen  
Christopher J. Beeson  
Jason J. Blakley  
Clint R. Bolinder  
Jeff W. Bower  
Preston N. Carter  
Jeremy C. Chou  
William C. Cole  
Michael C. Creamer  
Amber N. Dina  
Bradley J. Dixon  
Thomas E. Dvorak  
Jeffrey C. Fereday  
Martin C. Hendrickson  
Brian J. Holleran  
Kersti H. Kennedy

Neal A. Koskella  
Debora K. Kristensen  
Michael P. Lawrence  
Franklin G. Lee  
David R. Lombardi  
Kimberly D. Maloney  
Kenneth R. McClure  
Kelly Greene McConnell  
Alex P. McLaughlin  
Melodie A. McQuade  
Christopher H. Meyer  
L. Edward Miller  
Patrick J. Miller  
Judson B. Montgomery  
Emily G. Mueller  
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.  
Randall A. Peterman  
Jack W. Relf  
Michael O. Roe  
Jamie Caplan Smith  
P. Mark Thompson  
Jeffrey A. Warr  
Robert B. White

Kenneth L. Pursley (1940-2015)  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

April 18, 2018

Via: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov)

Assistant Attorney General  
U.S. DOJ—ENRD  
P.O. Box 7611  
Washington, DC 20044-7611

Comment re Proposed Consent Decree in *United States of America v. Placer Mining Company, Inc. (dba New Bunker Hill Mining Co.) and Robert Hopper, Jr.*, Civil Action No. 2:04-cv-00126

D.J. Ref. No. 90-11-3-128/3

To Whom it May Concern:

In response to the Department of Justice's "Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act," published March 19, 2018, Atlas Mining Group LLC ("Atlas"), by and through counsel Givens Pursley, LLP, provides this Comment to make the Department of Justice aware of litigation involving Placer Mining Corporation ("Placer") and the proposed transaction with Liberty Silver Corporation ("Liberty Silver") in Idaho state court.

On March 6, 2017, Atlas filed a complaint against Placer in Ada County, Idaho, Fourth Judicial District, Case No. CV01-17-3885. Briefly, that complaint relates to Placer's breach of contract and other causes of action related to an operating agreement for the entity Bunker Hill Ventures, LLC ("Bunker Hill Ventures"). That entity was formed for the purposes of improving the Bunker Hill Mill and using that mill for processing ore from the Bunker Hill Mine, which Placer was obligated to contribute under the Bunker Hill Ventures operating agreement and an incorporated toll milling agreement. Placer was required to make a substantial capital contribution and it refused to do so.

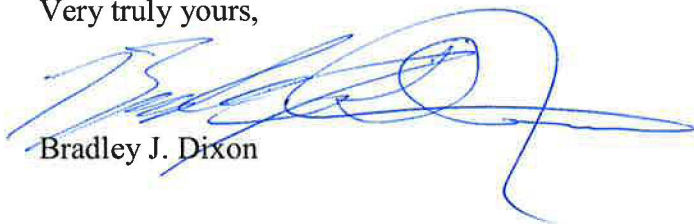
On May 24, 2017, Atlas moved for a preliminary injunction to protect its interest in Bunker Hill Ventures and in the capital contribution that Placer was supposed to make. On June 9, 2017, the Ada County District Court, Judge Deborah Bail presiding, entered an Order Granting Preliminary Injunction. That order required the following:

1. Placer is prohibited from using, encumbering, selling or disposing of any property of BHV during the pendency of this lawsuit;
2. Placer is prohibited from using, encumbering, selling, disposing or committing waste upon any sums of money or property that has been contributed by Atlas to BHV;
3. Placer is prohibited from encumbering, selling, disposing of or committing waste upon any sums of money or real/personal property that Placer was obligated to contribute to BHV consistent with the BHV operating agreement;
4. Placer is prohibited from encumbering, selling, or disposing of any property that is owned by BHV, contributed to BHV by Atlas or intended to be contributed by Placer to BHV as part of any transaction with Liberty Silver, Corp.;

On October 4, 2017, Atlas moved for a finding of contempt of court for Placer's violation of this injunction. Specifically, the motion argued that Placer's Lease with Option to Purchase, leasing all assets, property, and rights associated with Bunker Hill Mine to Liberty Silver LLC ("Liberty Silver") was in violation of the court's preliminary injunction. The court held a trial on January 16, 2018 and made a finding that Placer had violated the injunction, and was in contempt of court for entering into the Lease with Option to Purchase with Liberty Silver. Currently, the court has under advisement the issue of what sanctions should be imposed. A potential sanction is a finding from that court that the Lease with Option to Purchase is void or voidable.

The Department may find further information in the record of case Ada County, Idaho, Fourth Judicial District, Case No. CV01-17-3885.

Very truly yours,



Bradley J. Dixon